

MINUTES
BOARD OF APPEALS
VILLAGE OF SEA CLIFF
VILLAGE HALL
300 SEA CLIFF AVENUE
SEA CLIFF, NEW YORK 11579

November 15, 2016

Present:Chair	Noel Griffin	
Members	Ted Kopczynski,	Andrew
	Janusas and Tim O'Donnell	
Alternate Member	Alexander Ivanovic	
Village Attorney	Brian Stolar, Esq.	
Superintendent of		
Buildings	Andrew Lawrence	

The meeting was called to order at 7:30 pm.

The Board opened the continued public hearing on the application of Majid Jalayer, 8 Laurel Way, Sea Cliff, New York to maintain a deck, which requires variances of the following Village Code sections: (a) 138-506 in that the front property length is 81.4 feet, where a minimum of 100 feet is required; (b) 138-507 in that the lot width is 81.4 feet, where a minimum of 100 feet is required; (c) 138-509 in that the lot width at the setback line is 81.4 feet, where a minimum of 100 feet is required; (d) 138-511 in that the deck is located on the property line, where the minimum required side yard setback is 15 feet; (e) 138-512 in that the deck is located on the property line, where the minimum rear yard setback is 30 feet; and (f) 138-1102 in that the location of the deck increases an existing non-conformity, where no such increase is permitted. Premises are designated as Section 21, Block L, Lot 120 on the Nassau County Land and Tax Map. During the hearing, the Board noted that the survey indicated a portion of the deck or retaining wall was 0.6 feet beyond the property line. The Board also noted that it

received a letter from the neighbor authorizing the applicant to maintain the portion of the deck that extends 6-7 inches into the adjoining property. The Board closed the hearing and reserved decision.

The Board opened the continued public hearing on the application of William and Doreen Crawford, 125 Dayton Street, Sea Cliff to demolish an existing dwelling and construct a new dwelling, which construction requires variances of the following Village Code sections: (a) 138-504 in that the existing lot area is 8,658 square feet, where a minimum of 10,000 square feet is required; (b) 138-508 in that the front yard setback will be 14.3 feet, where a minimum of 25 feet is required; (c) 138-511 in that the side yard setback will be 10 feet, where a minimum of 15 feet is required; (d) 138-512 in that the rear yard setback will be 22 feet, where a minimum of 30 feet is required; (e) 138-513.1 in that the dwelling will encroach into the height setback ratio plane, where no such encroachment is permitted; (f) 138-517 in that the air conditioner condenser unit is 22 feet from the rear property line, where a minimum of 26 feet is required; and (g) 138-1102 in that the proposed construction will increase an existing non-conformity where no increase is permitted. Premises are designated as Section 21, Block K, Lot 757 on the Nassau County Land and Tax Map. Neighboring property owners commented on the application. All Board members who were not present at either the September or October meeting confirmed that they have read the hearing transcripts and become familiar with the application. The Board closed the hearing and reserved decision.

The Board opened the public hearing on the application of Application of Yuriy and Renata Bogutskiy, 369 Carpenter Avenue, Sea Cliff, New York to renovate a dwelling, and construct a new detached garage, rear patio, deck and in ground pool, which requires variances to (a) maintain the existing residence, as follows: (i) Village Code §138-511 in that the side yard setbacks are 12.66 and 7.84 feet, where a minimum of 15 feet is required; (ii) Village Code §138-513 in that the height is 36.75 feet, where a maximum of 30 feet is permitted; and (iii) Village Code §138-513.1 in that the dwelling encroaches into the height setback ratio, where no such encroachment is permitted; (b) to construct the proposed improvements, which increases the floor area to 7,020 square feet, where the maximum floor area permitted pursuant to Village Code §138-514.1 is 4,025 square feet; (c) construct a 583 square foot garage, where Village Code §138-516 provides for a maximum of 500 square feet; and (d) construct a garage that increases a non-conformity where no such increase is permitted pursuant to Village Code §138-1102. Premises are designated as Section 21, Block 58, Lot 28 on the Nassau County Land and Tax Map. The Board closed the hearing and reserved decision.

The Board noted that Madalyn Rivosecchi, 2 Foster Place, did not provide the required mailed notice. The Board continued the public hearing on the Rivosecchi matter to December 20, 2016 at 7:30pm.

The Board discussed the Jalayer application. After such discussion, on motion made by the Chair, seconded by Mr. Janusas, and adopted unanimously, the Board determined that it is the lead agency with respect to environmental

review, the action is a Type II matter under SEQRA that requires no further environmental review, and granted the application in accordance with the short form decision annexed hereto.

The Board discussed the Crawford application. After such discussion, on motion made by Mr. Janusas, seconded by Mr. O'Donnell, and adopted unanimously, the Board determined that it is the lead agency with respect to environmental review, the action is a Type II matter under SEQRA that requires no further environmental review, and granted the application in accordance with the short form decision annexed hereto.

The Board discussed the Bogutskiy application. After such discussion, on motion made by the Chair, seconded by Mr. Kopczynski, and adopted unanimously, the Board determined that it is the lead agency with respect to environmental review, the action is a Type II matter under SEQRA that requires no further environmental review, and granted the application in accordance with the short form decision annexed hereto.

There being no further business, the meeting was adjourned at 8:50pm.

NOEL GRIFFIN, CHAIR

JALAYER SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on November 15, 2016, on motion duly made by the Chair, seconded by Mr. Janusas, and adopted unanimously, the Board, having duly considered the matters brought forth at the public hearing and other matters properly within the consideration of this Board and discussed the subject application, rendered the following findings and determination:

1. Majid Jalayer, 8 Laurel Way, Sea Cliff, New York applied to maintain a deck, which requires variances of the following Village Code sections: (a) 138-506 in that the front property length is 81.4 feet, where a minimum of 100 feet is required; (b) 138-507 in that the lot width is 81.4 feet, where a minimum of 100 feet is required; (c) 138-509 in that the lot width at the setback line is 81.4 feet, where a minimum of 100 feet is required; (d) 138-511 in that the deck is located on the property line, where the minimum required side yard setback is 15 feet; (e) 138-512 in that the deck is located on the property line, where the minimum rear yard setback is 30 feet; and (f) 138-1102 in that the location of the deck increases an existing non-conformity, where no such increase is permitted. Premises are designated as Section 21, Block L, Lot 120 on the Nassau County Land and Tax Map.
2. The applicant is the record owners of the subject premises. A portion of the decking extends into the neighboring property, and the neighboring property owner submitted a letter to the Board authorizing that portion of the deck to be located on the neighboring property.
3. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
4. The Board provided notice of the application to the Nassau County Planning Commission in accordance with the requirements of the agreement between the Village and the Planning Commission, and no response was submitted by the Planning Commission.
5. The relief requested in the application is granted provided that (a) the construction shall be maintained in conformity with the plans submitted with the application, (b) applicant shall comply with all requirements of the Village Code and the Building Department, and (c) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

CRAWFORD SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on November 15, 2016, on motion duly made by Mr. Janusas, seconded by Mr. O'Donnell, and adopted unanimously, the Board, having duly considered the matters brought forth at the public hearing and other matters properly within the consideration of this Board and discussed the subject application, rendered the following findings and determination:

1. William and Doreen Crawford, 125 Dayton Street, Sea Cliff applied to demolish an existing dwelling and construct a new dwelling, which construction requires variances of the following Village Code sections: (a) 138-504 in that the existing lot area is 8,658 square feet, where a minimum of 10,000 square feet is required; (b) 138-508 in that the front yard setback will be 14.3 feet, where a minimum of 25 feet is required; (c) 138-511 in that the side yard setback will be 10 feet, where a minimum of 15 feet is required; (d) 138-512 in that the rear yard setback will be 22 feet, where a minimum of 30 feet is required; (e) 138-513.1 in that the dwelling will encroach into the height setback ratio plane, where no such encroachment is permitted; (f) 138-517 in that the air conditioner condenser unit is 22 feet from the rear property line, where a minimum of 26 feet is required; and (g) 138-1102 in that the proposed construction will increase an existing non-conformity where no increase is permitted. Premises are designated as Section 21, Block K, Lot 757 on the Nassau County Land and Tax Map.
2. The applicants are the record owners of the subject premises.
3. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
4. The Board provided notice of the application to the Nassau County Planning Commission in accordance with the requirements of the agreement between the Village and the Planning Commission, and no response was submitted by the Planning Commission.
5. The relief requested in the application is granted provided that (a) the construction shall conform with the plans submitted with the application, (b) applicants shall comply with all requirements of the Village Code and the Building Department, and (c) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

BOGUTSKIY SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on November 15, 2016, on motion duly made by the Chair, seconded by Mr. Kopczynski, and adopted unanimously, the Board, having duly considered the matters brought forth at the public hearing and other matters properly within the consideration of this Board and discussed the subject application, rendered the following findings and determination:

1. Yuriy and Renata Bogutskiy, 369 Carpenter Avenue, Sea Cliff, New York applied to renovate a dwelling, and construct a new detached garage, rear patio, deck and in ground pool, which requires variances to (a) maintain the existing residence, as follows: (i) Village Code §138-511 in that the side yard setbacks are 12.66 and 7.84 feet, where a minimum of 15 feet is required; (ii) Village Code §138-513 in that the height is 36.75 feet, where a maximum of 30 feet is permitted; and (iii) Village Code §138-513.1 in that the dwelling encroaches into the height setback ratio, where no such encroachment is permitted; (b) to construct the proposed improvements, which increases the floor area to 7,020 square feet, where the maximum floor area permitted pursuant to Village Code §138-514.1 is 4,025 square feet; (c) construct a 583 square foot garage, where Village Code §138-516 provides for a maximum of 500 square feet; and (d) construct a garage that increases a non-conformity where no such increase is permitted pursuant to Village Code §138-1102. Premises are designated as Section 21, Block 58, Lot 28 on the Nassau County Land and Tax Map.
2. The applicants are the record owners of the subject premises. The Board previously denied an application by the applicants for dwelling renovations and construction of a new detached garage, patio, deck and in ground pool. The applicants made modifications to the plans, which modifications eliminated some variances and reduced the extent of other variances.
3. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
4. The Board provided notice of the application to the Nassau County Planning Commission in accordance with the requirements of the agreement between the Village and the Planning Commission, and no response was submitted by the Planning Commission.
5. The relief requested in the application is granted provided that (a) the construction shall conform with the plans submitted with the application, (b) applicants shall comply with all requirements of the Village Code and the Building Department, and (c) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.